

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

IN RE: ETHICON, INC. PELVIC REPAIR  
SYSTEMS PRODUCTS LIABILITY  
LITIGATION

Master File No. 2:12-MD-02327  
MDL 2327

-----  
ETHICON NON-REVISION PTO 298  
(ELECTION WAVE) CASES LISTED IN  
EXHIBIT A TO PLAINTIFFS' NOTICE  
OF ADOPTION

JOSEPH R. GOODWIN U.S. DISTRICT  
JUDGE

**NOTICE OF ADOPTION OF PRIOR DAUBERT RESPONSE  
REGARDING MARSHALL SHOEMAKER, M.D., FOR NON-REVISION PTO 298  
(ELECTION WAVE)**

Plaintiffs filed a Notice of Adoption [Dkt. 7319] in the Election Wave cases identified in Exhibit A to their Notice adopting their Motion to Exclude Certain Opinions and Testimony of Marshall Shoemaker, M.D. and Supporting Memorandum from Ethicon Wave 5. Defendants hereby adopt and incorporate by reference the *Daubert* response filed in relation to Marshall Shoemaker, M.D. for Ethicon Wave 5, Dkt. 4551. Defendants respectfully request that the Court deny Plaintiffs' motion for the reasons expressed in the Wave 5 response briefing.

Respectfully submitted,

/s/ William M. Gage

William M. Gage (MS Bar No. 8691)  
Butler Snow LLP  
1020 Highland Colony Parkway  
Suite 1400 (39157)  
P.O. Box 6010  
Ridgeland, MS 39158-6010  
(601) 985-4561  
[william.gage@butlersnow.com](mailto:william.gage@butlersnow.com)

/s/ Susan M. Robinson

Susan M. Robinson (W. Va. Bar No. 5169)  
Thomas Combs & Spann PLLC

300 Summers Street  
Suite 1380 (25301)  
P.O. Box 3824  
Charleston, WV 24338  
(304) 414-1800  
[srobinson@tcspllc.com](mailto:srobinson@tcspllc.com)

Counsel for Defendants Ethicon, Inc.,  
and Johnson & Johnson

**CERTIFICATE OF SERVICE**

I certify that on this day, I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

/s/ William M. Gage  
William M. Gage